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17. (Twice Amended) The fountain of claim 16 wherein the pump is positioned on the bottom of the reservoir.

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**REMARKS**

The Examiner has rejected claims 1-3, 5-14, 16-20 and 22 as obvious over U.S. Patent No. 147,849 to Leslie ("Leslie") in view of U.S. Patent No. 5,440,836 to Lee ("Lee") and claim 15 as obvious over Leslie in view of Lee in further view of U.S. Patent No. 6,092,333 to Steffan ("Steffan"). By this amendment, Applicant amends claims 1-5 and 16-17 and cancels claims 9-15 and 22. As a result, claims 1-3, 5-8 and 16-20 are currently at issue in the application.

**I. Rejections over Leslie in view of Lee under 35 U.S.C. § 103(a)**

The Examiner has rejected claim 1 as obvious over the combination of Leslie and Lee. The Examiner has stated that Leslie discloses all of the elements of claim 1 except the pump and that Lee provides the teaching of the pump.

Claim 1, as amended, requires "a water reservoir comprising a bottom and surrounding sides and an open top defining a hollow interior for storing a quantity of water" and "a planter directly attached to and suspended from an exterior surface of the surrounding sides of the reservoir, the second planter adapted to catch a portion of the water discharged from the water discharge device."

Neither Leslie nor Lee discloses a water reservoir having a bottom, sides and an open top and adapted to hold a quantity of water as in claim 1. Furthermore, neither Leslie nor Lee discloses a planter attached directly to and suspended from an exterior surface of a water reservoir. Nor does Leslie or Lee disclose an arrangement where a planter is watered from overspray of a water discharge device within a reservoir. As such, Applicant submits that amended claim 1 is allowable over the prior art.

Claims 2, 3 and 5-8 depend from claim 1 and include the limitations of claim 1. As a result, claims 2, 3 and 5-8 are patentable over Leslie in view of Lee for the same reasons as claim 1.

Claim 16 also include the limitations discussed above with respect to claim 1, namely "a reservoir having sides, a bottom and an open top defined by an upper rim and an interior for storing a quantity of water" and "a planter directly attached to the reservoir and suspended from an exterior surface of the reservoir along the upper rim, the planter being wider than the reservoir, the planter for holding flowers or plants and for receiving a portion of the quantity of water being discharged from the water discharge device to water the flowers or plants." As a result, claim 16 is patentable over Leslie in view of Lee for the same reasons as claim 1.

Claims 17-20 depend from claim 16 and include the limitations of claim 16. As a result, claims 17-20 are patentable over Leslie in view of Lee for the same reasons as claim 16.

## II. Conclusion

For the foregoing reasons, it is submitted that claims 1-3, 5-8 and 16-20 are in condition for allowance, and the Examiner is requested to allow such claims to issue.

Respectfully Submitted,



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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>APPLICANT:</b> Gunn	
<b>SERIAL NO.:</b> 09/668,780 09/104,487	
<b>FILED:</b> 7/13/2001	
<b>EXAMINER:</b> D. Rosenthal	
<b>GROUP:</b> 3728	
<b>FOR:</b> FOUNTAIN STRUCTURE	

**APPENDIX TO AMENDMENT B****Version Of Amendment With Markings To Show Changes Made****In the Claims:**

1. (Twice Amended) A fountain comprising:  
a water reservoir comprising a bottom and surrounding sides and an open top defining  
[having] a hollow interior for storing a quantity of water;  
a pump for pumping the quantity of water within the planter;  
a water discharge device disposed within the reservoir and connected to the pump for  
discharging the quantity of water; and  
a [second] planter [positioned on] directly attached to and suspended from an exterior  
surface of the surrounding sides of the [planter] reservoir, the planter adapted to catch a portion of  
the water discharged out of the reservoir via the water discharge device.
2. (Once Amended) The fountain of claim 1 further comprising a [third] second planter  
positioned on the exterior surface of the [planter] reservoir, the [third] second planter being at a  
location along the exterior surface different from the [second] first planter.
3. (Once Amended) The fountain of claim 2 wherein the [third] second planter is  
positioned at a first height along the exterior surface and the [second] first planter is positioned at  
a height different from the first height.

4. (Once Amended) The fountain of claim 3 further including at least one side planter extending between the first and second [second and third] planters.

5. (Once Amended) The fountain of claim 1 wherein [the planter has a bottom and] the pump is positioned along the bottom of the reservoir.

16. (Twice Amended) A fountain comprising:

a reservoir [planter] having sides, a bottom and an open top defined by an upper rim and an interior for storing a quantity of water;

a pump for pumping the quantity of water within the [planter] reservoir;

a water discharge device connected to the pump for discharging the quantity of water;  
and

a [second] planter directly attached to the reservoir [positioned on the planter] and suspended from an exterior surface of the [planter] reservoir along the upper rim, the [second] planter being wider than the [planter] reservoir, the [second] planter for holding flowers or plants and for receiving a portion of the quantity of water being discharged from the water discharge device to water the flowers or plants.

17. (Twice Amended) The fountain of claim 16 wherein [the planter has a bottom and] the pump is positioned on the bottom of the reservoir.